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| ROGER A. POWELL 201 WEST MAPLE AVE. MORRISVILLE, PA 19067 | | | EXAMINER STONE, JENNIFER A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2636 | |

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,965

Applicant(s)

POWELL, ROGER ANDREW

Examiner

Jennifer A. Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20051101</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Generic claims include independent claims 1, 14, 20, and 37 are drawn to an intrusion detection system with remote alarm communication, classified in class 340, subclass 541.
 - II. Claims 2-13, 15-19, 21, 22, 38-52 are drawn to a transmitter, receiver, and intrusion detection equipment for communicating alarm signals, classified in class 340, subclass 545.2.
 - III. Claims 23-36 are, drawn to securing a communication link by encryption and decryption, classified in class 380, subclass 270.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions intrusion detection equipment and encryption/decryption are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are independent of one another.
3. Applicant's election without traverse of Group II in a telephone conversation with Applicant on October 28th is acknowledged. See interview summary.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant needs to specify the meaning of a first part of a message and second part of a message.

6. Claim 8 recites the limitation "said correct encrypted data stream" in line 2.

7. Claims 9 and 10 recite the limitation "said transmission" in line 2.

8. Claim 37 recites the limitation "the integrity" in line 10.

There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 6, 8-10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen (US 2004/0012502).

For claim 1, Rasmussen discloses an intrusion detection and remote alarm communication system comprising: an intrusion detection sensor, said sensor being capable of detecting the entry of an intruder into a space (paragraphs 0018, lines 1-6; 0021, lines 1-4), said sensor connected to a transmitter (parag 0038, lns 7-13), said

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sensor sending a predetermined signal to said transmitter when an intruder is detected, a transmitter, said transmitter transmitting a signal to a receiver (parag 0029, Ins 1-10), said signal having a first mode and a second mode (normal - non alarm/abnormal – alarm; parag 0022, Ins 9-21), said first mode being an encrypted stream of information following a prearranged pattern, said first mode indicating a normal secure condition, said second mode indicating that said sensor has sent said predetermined signal to said transmitter that an intruder has been detected, said second mode being the alarm mode (parag 0026), a receiver, said receiver having means for receiving said signal from said transmitter, said receiver having means for de-encrypting said signal and recognizing said prearranged pattern to be correct and responding by indicating a normal secure condition (parag 0040, Ins 6-17), said receiver recognizing that said information pattern is incorrect and responding by indicating an alarm condition (parag 0041, Ins 1-5), said receiver recognizing an interruption in said encrypted stream of information and responding by indicating an alarm condition, said receiver recognizing said second mode and responding by indicating an alarm condition (parag 0026, Ins 1-6 and 22-26; parag 0041, Ins 9-11).

For claim 6, Rasmussen discloses said receiver transmits an electromagnetic broadcast alarm signal when indicating an alarm condition (parag 0041).

For claim 8, Rasmussen discloses said receiver always indicates an alarm condition whenever a correct encrypted data stream is not received and said receiver will always indicate an alarm condition whenever an alarm signal is received (parag 0041, Ins 1-5 and 9-11).

For claim 9, transmission by said transmitter is by airborne electromagnetic broadcast (parag 0029, Ins 1-7).

For claim 10, transmission by said transmitter is carried on a landline (parag 0029, Ins 1-4).

For claim 12, Rasmussen discloses comprising a second receiver at a third location (parag 0029, Ins 10-14), said second receiver monitoring said transmitter signals, said second receiver recognizing an interruption in said encrypted stream of information and responding by indicating an alarm condition, said second receiver recognizing said second mode and responding by indicating an alarm condition (parag 0019, Ins 8-12; parag 0029, Ins 1-5).

For claim 13, Rasmussen discloses said first receiver broadcasts a predetermined alarm signal when said alarm signal is received from said transmitter, said second receiver receives said predetermined alarm signal from said first receiver and indicates an alarm condition (parag 0019, Ins 8-12; parag 0029, Ins 1-5).

11. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen (US 2004/0012502).

Rasmussen discloses an intrusion detection and remote alarm communication system comprising: an intrusion detection sensor, said sensor being capable of detecting the entry of an intruder into a space (paragraphs 0018, lines 1-6; 0021, lines 1-4), said sensor connected to a transmitter (parag 0038, Ins 7-13), said sensor sending a predetermined alarm signal to said transmitter when an intruder is detected, a transmitter, said transmitter transmitting a signal to a receiver (parag 0029, Ins 1-10),

said signal having a first mode and a second mode, said first mode being an encrypted stream of information following a prearranged pattern (parag 0038, Ins 19-26), said first mode indicating a normal secure condition and the absence of said predetermined alarm signal sent by said sensor, said second mode indicating that said sensor has sent a predetermined alarm signal to said transmitter that an intruder has been detected, said second mode being the alarm mode (parag 0041).

12. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen (US 2004/0012502).

Rasmussen discloses a remote alarm communication system comprising a receiver, said receiver having means for receiving a signal (parag 0029, Ins 7-14), said signal having a first mode and a second mode, said first mode being an encrypted stream of information following a prearranged pattern (parag 0038, Ins 19-26), said first mode indicating a normal secure condition at a storage space (parag 0001), said second mode indicating that a sensor has detected an intruder in said storage space, said second mode being the alarm mode, said receiver having means for recognizing said first mode with said prearranged pattern and providing an indication of a normal condition, said recognizing means recognizing that the received pattern is incorrect and providing an indication of an alarm condition, said recognizing means recognizing an interruption in said encrypted stream of information and providing an indication of an alarm condition, said recognizing means recognizing second mode and providing an indication of an alarm condition (parag 0041).

13. Claims 37, 42, 44-46, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen (US 2004/0012502).

Rasmussen discloses an intrusion detection and remote alarm communication system comprising: an intrusion detection sensor, said sensor being capable of detecting the intrusion into a space in a first location (paragraphs 0018, lines 1-6; 0021, lines 1-4), said sensor connected to a first transmitter/receiver in said first location (parag 0038, lns 7-13) said sensor sending a predetermined signal to said first transmitter/receiver when an intrusion is detected (parag 0038, lns 7-13), said first transmitter/receiver in a first location communicating with a second transmitter/receiver in a second location (parag 0029, lns 1-3), said communicating having a first mode and a second mode, said first mode being the exchange of encrypted information following a prearranged pattern, successfully maintaining said prearranged pattern indicating a normal secure condition at said first location and integrity of said communicating, said second mode indicating said sensor has sent said predetermined signal to said first transmitter/receiver that an intrusion has been detected, said first transmitter/receiver interrupting said first mode to transmit an alarm in said second mode, said second mode being an alarm mode, said second transmitter/receiver recognizing when received information pattern in said first mode is incorrect and responding by indicating an alarm in said second location, said second transmitter/receiver recognizing an interruption in said exchange of encrypted information and responding by indicating an alarm, said second transmitter/receiver and responding by indicating an alarm (parag 0040 and 0041).

For claim 42, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 44, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 8 as stated above.

For claim 45, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 9 as stated above.

For claim 46, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

For claim 48, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 12 as stated above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Eskildsen (US 2005/0134454).

Rasmussen does not disclose a video camera; however, Eskildsen discloses a video camera, located in a space, connected to said transmitter and responding to signals from said transmitter, said video camera transmitting video images to said

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transmitter, said video images being stored in said transmitter and said video images being transmitted by said transmitter to said receiver (Fig. 1, items 16, 18, 22; Fig. 2, item 32; parag 0006, Ins 6-12; parag 0010, Ins 6-11; parag 0019, Ins 1-5; parag 0020, last 4 lines; parag 021; parag 0022, Ins 1-7). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a video of images in the protected space so that an individual determines the level of safety of the protected space (parag 0017, last 5 lines).

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Owens, II (US 5,402,000).

Rasmussen does not disclose a countermeasure device; however, Owens discloses a countermeasure device (col 1, Ins 60-63), located in a space, connected to a transmitter and responding to signals from a transmitter (col 2, Ins 17-24), said signals from said transmitter causing the countermeasure device to release materials to impede the progress of intruders entering said space (col 2, Ins 63-68; col 3, Ins 1-7; col 4, Ins 31-38; Fig. 5, items 7, 25, 30, 27, 26). It would have been obvious to include a counter measure device where an automated system protects a space from intruder entry in a timely manner.

17. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Tice (US 6,927,688).

For claim 4, Rasmussen does not disclose a container. Tice, on the other hand, does disclose a container, enclosing a space, said container enclosing a sensor and a transmitter (col 3, Ins 23-30; Fig. 1, items 10, 12, and 18). It would have been obvious

to include intrusion monitoring for a container in order to non-obtrusively monitor data of contained goods without contaminating goods sealed within the container (col 2, Ins 23-28).

For claim 7, Rasmussen discloses multiple transmitters (parag 0029, Ins 10-14), but does not disclose multiple output displays; however, Tice discloses multiple output displays (Fig. 3, item 18; col 4, Ins 1-13; col 5, Ins 33-37). It would have been obvious to include multiple output displays, accessed via the Internet, database, PDA, or notebook computer so that more than one individual accesses data pertaining to the contained goods.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Merchant (US 4,137,526).

Rasmussen does not disclose a redundant sensor; however, Merchant discloses a redundant sensor, thereby providing confirmation of an intrusion into said space (col 1, Ins 66-68; col 2, Ins 1-6, 24-30, and 47-52). It would have been obvious to incorporate a second sensor to confirm an alarm condition of an intruder if a first sensor malfunctions.

19. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Graves (US 2004/0130445) and Lavelle et al. (US 5,469,151).

Rasmussen does not disclose a backup power supply. Graves, on the other hand discloses a backup power supply unit supplying power to a transmitter when external power is interrupted, and a backup power supply supplying power to a receiver

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when external power is interrupted (parag 0027, 0045; Fig. 1, items 100, 105, 120, 130, 145, 150). It would have been obvious to include a backup power supply for a receiver and transmitter so that an alarming condition is communicated between a transmitter and receiver to ensure that an alarm condition is acknowledged at the receiver. In addition, Lavelle discloses that said transmitter recognizes when external power is interrupted and transmits a predetermined signal to said receiver (col 2, lns 10-15). Furthermore, it would have been obvious that both the transmitter and receiver recognize when external power is interrupted and broadcast a predetermined signal in order to determine available power necessary to continue communication between the transmitter and receiver.

20. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Eskildsen (US 2005/0134454).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 8 as stated above.

21. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Owens, II (US 5,402,000).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

22. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Tice (US 6,927,688).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

23. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Merchant (US 4,137,526).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above. In addition, it is obvious that a group of wired together sensor elements consist of a first sensor within the field of view of a second sensor or sensing element (col 2, lns 16-20).

24. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Zhevelev (US 5,936,524).

Rasmussen does not disclose a means to determine if a sensor is functional. Zhevelev discloses a transmitter to determine that a sensor is functional (Fig. 4, item 40; col 6, lns 30-38). It would have been obvious to disclose a means to determine if a sensor is functional to prevent a breach of security into a protected space.

25. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Eskildsen (US 2005/0134454).

Rasmussen discloses receiving a multiplicity of said signals (parag 0026, lns 14-18), but does not disclose responding by providing multiple output displays. However, Eskildsen discloses providing multiple output displays (parag 0019, last 6 lines). It would have been obvious to incorporate multiple output displays so that a user has a display in more than one location for convenience. In addition, multiple users view storage space area in order to enhance personal safety of all users.

26. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and Lavelle et al. (US 5,469,151).

Rasmussen does not disclose indicating an alarm condition at said receiver; however, Lavelle discloses indicating an alarm condition at said transmitter if external power to said transmitter is interrupted. Even though Lavelle discloses an alarm condition at the transmitter and not the receiver, it would have been obvious that both the transmitter and receiver recognize when external power is interrupted and broadcast a predetermined signal in order to determine available power necessary to continue communication between the transmitter and receiver.

27. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Eskildsen (US 2005/0134454).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 8 as stated above.

28. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Owens, II (US 5,402,000).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

29. Claims 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Tice (US 6,927,688).

For claim 40, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 43, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

30. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Merchant (US 4,137,526).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

31. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Graves (US 2004/0130445) and Lavelle et al. (US 5,469,151).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 11 as stated above.

32. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 2004/0012502), and further in view of Meier (US 6,323,566).

For claim 49, Rasmussen discloses said prearranged pattern of communicating in the first mode, by indicating an alarm when a correct message is not received at a second location (parag 0041). However, Rasmussen does not disclose a reply message. Meier, on the other hand, does disclose a second transmitter/receiver sending an encrypted message to a first transmitter/receiver (col 9, lns 29-33; Fig. 5, items 15, 11; col 11, lns 22-27), said first transmitter/receiver responding with an encrypted prearranged reply message to said second transmitter/receiver (col 11, lns 34-42; Fig. 5, items 16, 17), comparing said reply message to the prearranged correct response at the second location (col 2, lns 1-8). Even though Meier does not disclose an alarm upon a correct reply message not received, it would have been obvious that an alarm message is produced to indicate a message not received so that a user

troubleshoots the non-responsive message in order to create a compliant message in order to allow access into a space (i.e. unlock a vehicle).

For claim 50, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 49 as stated above. In addition, the reply message is a prearranged transformation of a first message (col 5, lns 12-27).

For claim 51, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 48 and 49 as stated above. In addition, the first message consists of a first set of encryption values and a reply message consists of second set of encryption values (col 5, lns 15-29 – challenge, serial number and vehicle code, signature).

For claim 52, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 50 and 51 as stated above. In addition, the first message consists of a first and second part (col 5, lns 15-29 – challenge, serial number) and a reply message consist of a transformation of the second part of the first message (col 5, lns 15-29 – vehicle code, signature).

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Porter (US 2004/0056767), Stevens et al. (US 2005/0195101), and Powell (US 5,877,696) disclose systems for monitoring the contents within a container where the container includes a sensor and transmitter.


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34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
November 4, 2005


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